

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

PLUMBERS AND STEAMFITTERS
LOCAL 486 MEDICAL FUND,

*

*

Plaintiff,

*

Civil Action No. MJG 03-219

v.

*

RITA L. BOOKS, et al.,

*

Defendants.

*

* * * * *

**PLAINTIFF PLUMBERS AND STEAMFITTERS LOCAL 486 MEDICAL FUND'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Plumbers and Steamfitters Local 486 Medical Fund, by and through its attorneys Kimberly L. Bradley, Corey Smith Bott and the law firm of Abato, Rubenstein and Abato, P.A. hereby respectfully submits this Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and for cause states:

1. There is no genuine dispute as to any material facts and the Plaintiff is entitled to judgment as a matter of law.
2. Defendant Rita L. Books has failed to make equitable restitution to the Plumbers and Steamfitters Local 486 Medical Fund for benefits paid on her behalf and subsequently recovered from the third party responsible for her injuries. Judgment, therefore, should be entered against Rita L. Books in the principal amount of \$57,395.60.
3. Defendant Roger L. Books has failed to make equitable restitution to the Plumbers and Steamfitters Local 486 Medical Fund for benefits paid on

Rita L. Books' behalf and subsequently recovered from the third party responsible for Mrs. Books' injuries. Judgment, therefore, should be entered against Roger Books in the principal amount of \$57,395.60.

4. Defendant Nathaniel Fick, P.C. Client Trust Account for the benefit of Rita L. Books has failed to make equitable restitution to the Plumbers and Steamfitters Local 486 Medical Fund for benefits paid on Mrs. Books' behalf and subsequently recovered from the third party responsible for Mrs. Books' injuries. Judgment, therefore, should be entered against Nathaniel Fick, P.C. Client Trust Account in the principal amount of \$57,395.60.

5. Plaintiff attaches herewith a Memorandum of Points and Authorities in Support of its motion.

_____/s/_____
Kimberly L. Bradley
Bar No. 23653

_____/s/_____
Corey Smith Bott
Bar No. 25673
Abato, Rubenstein and Abato, P.A.
809 Gleneagles Court, Suite 320
Baltimore, Maryland 21286
(410) 321-0990
(410) 321-1419 (facsimile)

Attorneys for Plaintiff Plumbers and
Steamfitters Local 486 Medical Fund

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2003 a copy of the foregoing Plaintiff's Motion for Summary Judgment together with a Memorandum of Points and Authorities, Exhibits and Appendix attached thereto was sent electronically to the following:

Nathaniel Fick, Esquire
Fick and Petty, P.C.
1426 East Joppa Road
Towson, Maryland 21286-5982

/s/ _____
Corey Smith Bott